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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition No. 176 of 2004

PETITIONERS	1	ARJUN DEWANGAN, S/O SHRI MADANLAL, AGED ABOUT 30 YEARS, R/O VILLAGE-CHHURI, TAHSIL-KATGHORA, DISTRICT KORBA, (C.G.)
	2	PEEKRAM, S/O SHRI TULSIRAM, AGED ABOUT 27 YEARS, R/O VILLAGE- PUNARWAS, VILLAGE-KOHANDIYA, TAHSIL-KORBA, DISTRICT KORBA, (C.G.)
		VERSUS
RESPONDENTS	1	NATIONAL THERMAL POWER CORPORATION, THROUGH: THE GENERAL MANAGER/CHAIRMAN, SEEPAT, DISTRICT KORBA (C.G.)
	2	THE ADDITIONAL GENERAL MANAGER, NATIONAL THERMAL POWER CORPORATION SEEPAT, DISTRICT KORBA (C.G.)
	3	THE CHIEF PERSONAL MANAGER, NATIONAL THERMAL POWER CORPORATION, KORBA, DISTRICT KORBA, (C.G.)
	4	THE COLLECTOR, DISTRICT KORBA, KORBA (C.G.)
	5	THE SUB DIVISIONAL OFFICER (REVENUE), TAHSIL-KATGHORA, DISTRICT KORBA, (C.G.)
	6	PARMESHWAR SINGH KAIWART MAJDOOR, TOWAN ADMINISTRATION EMPLOYEE NO. 25834 N.T.P.C. KORBA, DISTRICT KORBA (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Ranjeet Kumar Mazumdar, counsel for the petitioners.

Shri B.D. Guru, counsel for respondents No. 1 to 3.

Shri Sumit Verma, Panel Lawyer for the State/ respondents No. 4 & 5.

None for respondent No. 6.

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ORAL ORDER
(12.10.2007)

SUNIL KUMAR SINHA, J.

Heard.

The petitioners are successors of land oustees whose lands were acquired by N.T.P.C. It is contended that the father of petitioner No.1 namely Madanlal and his co-parcener namely Chamra Sao have given their land in *Khata* No.130 area 2.055 hectares and in *Khata* No.28 area 7.129 hectares in favour of respondent No.1. Likewise, father of petitioner No.2 namely Tulsiram with other co-sharers Munshiram, son of late Shri Sakharam and Smt. Bhoori have given their land in *Khata* No. 130 area .428 hectares, *Khata* No. 129 area 7.290 hectares, *Khata* No. 119 area 4.710 hectares, *Khata* No. 176 area .360 hectares in favour of respondent No.1.

The grievances of the petitioners are that though the promise was made to the land oustees that under Rehabilitation Scheme one member of each such family shall be give employment in Establishment of N.T.P.C. but N.T.P.C. has not given employment to them. Therefore, it has been prayed that the respondents be directed to give employment to atleast one member of each family of the land oustees i.e. the petitioners herein.

Shri B.D. Guru, learned counsel appearing for respondents No.1 to 3 has contended that respondents No. 1 to 3 have framed Rehabilitation Action Plan after consultation of Village Development Advisory Committee and the District Administration. It has further been contented that a Comprehensive Rehabilitation Action Plan was framed after series of discussions. He shows me the copy of Rehabilitation Plan. The respondents are duty bound to adhere the policy decision and there is no question of any discrimination or arbitrariness.

Learned counsel for the petitioners submits that there is inordinate delay in part of the respondents and till today, N.T.P.C. has not given appointment to the petitioners, who are family members of the land oustees.

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I have perused the Rehabilitation Action Plan. Clause 3 of the said Plan is regarding employment, apart from other Rehabilitation Plans and it has been mentioned therein that "direct employment in N.T.P.C. in the unskilled category only PAPs would be considered. In the skilled category preference would be given to them. In both categories employment shall be subject to the availability of vacancies, N.T.P.C.'s recruitment policy and Govt.'s policy on reservation". Clause 3.1.1 and 3.1.2 deal with eligibility for employment.

Therefore, the respondents have not completely denied the prayer made by the petitioners but their contention is that they will consider the request of the petitioners subject to Clauses 3 & 3.1 of the Rehabilitation Action Plan i.e. subject to availability of vacancies and eligibility of the family member of the land oustees.

In the facts and circumstances of the case, the petitioners are required to make application for appointments showing that they are the land oustee/successor of the land oustee along with their qualification certificates etc. to respondent No.1 and respondent No.1 shall consider the application submitted by the petitioners in accordance with Rehabilitation Action Plan and shall try to give employment to the petitioners/land oustee as per the promise given to the land oustees whose lands were acquired by them.

With aforesaid observations and directions, the writ petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

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